

Panaji, 28th September, 1978 (Asvina 6, 1900)

SERIES I No. 26

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Local Administration and Welfare Department

Notification

16-4-77-Coop/S.C.S. Election/LAWD/9161

Whereas the draft rules made under Section 144-X of the Maharashtra Cooperative Societies Act, 1960 (Mah. Act No. XXIV of 1961) as in force in the Union territory of Goa, Daman and Diu were published in the Official Gazette No. 17 Series I, dated 29th July, 1978 under Local Administration & Welfare Department's Notification No. 16-4-77-Coop/S.C.S. Election/LAWD/9161, dated 25th July, 1978 as required under Sub-Section (3) of the Section 165 of the Act inviting objections and suggestions from all persons likely to be affected thereby within 30 days from the date of publication of the said Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on 29-7-1978.

And whereas objections and suggestions received from the public on the said draft rules have been considered by the Government.

Now, therefore, in exercise of the powers conferred by Section 144-X read with Sub-section (3) of Section 165 of the said Act and all other powers enabling him in that behalf, the Lieutenant Governor of Goa, Daman and Diu hereby makes the following rules namely:—

1. *Short title and application.*— (1) These rules may be called the Goa, Daman and Diu Specified Cooperative Societies Elections to Committees Rules, 1978.

(2) These rules shall apply to the elections to the Committees of specified societies.

2. *Definitions.*— In these rules, unless the context otherwise requires—

(a) "Act" means the Maharashtra Cooperative Societies Act, 1960 (Maharashtra Act 24 of 1961) as in force in the Union territory of Goa, Daman and Diu;

(b) "Constituency" means an electoral division as specified in the bye-laws of the society;

(c) "election" includes the first general or regular election of a specified society after its registration;

(d) "Form" means a Form appended to these rules;

(e) "list of Voters" means the list of voters as finalised in accordance with sub-rule (4) of rule 6;

(f) "public holiday" means any day which is a public holiday for the purposes of section 25 of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) or any day which is declared by the Government to be a holiday for Government offices in the Union territory or any part thereof.

(g) "reserved seat" means a seat reserved for the members belonging to the Scheduled Castes, Scheduled Tribes and weaker sections under section 73-B or a seat reserved for employees on the committee of societies under section 73-C;

(h) "Returning Officer" includes the Assistant Returning Officer;

(i) "section" means a section of the Act;

(j) "specified society" or "society" means a specified society as defined in clause (d) of sub-section (2) of Section 144-A;

(k) words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

3. *Annual report of names of societies in which elections are to be held.*— The Registrar or any officer authorised by him (hereinafter called "authorised officer") shall, by the 5th day of April every year, report to the Collector the names and addresses of the specified societies in each district, in which elections are to be held during the year under the provisions of section 73-H read with Chapter XI-A. The Registrar or the authorised officer shall send to the Collector with his report two copies of the bye-laws of each of the said societies.

4. *Provisional list of voters.*— (1) A provisional list of voters shall be prepared by every society for the year in which general election is due to be held. Persons who are members as on the 30th June of the year immediately preceding the year in which such election is due shall be included in the provisional list. If different constituencies are provided in the bye-laws, the names of voters shall be arranged constituency-wise as laid down in the bye-laws.

(2) Four copies of the authenticated provisional list of voters shall be sent by every society to the Collector, through the Registrar so as to reach the

Collector by the 15th July of the year in which the general election is due. Copies of the said list shall be displayed on the notice board of the society, the offices Registrar and the Collector by the 20th July, of that year for inviting claims and objections.

(3) If any society fails to send copies of the provisional list of voters to the Collector, through the Registrar by the 15th July, the Collector shall himself or through any person authorised by him in this behalf prepare a provisional list of voters, and the expenditure incurred therefor shall be recovered from the society as arrears of land revenue.

(4) In the event of the Collector taking action under the last preceding sub-rule, he shall also cause copies of the provisional list of voters to be displayed on his notice board and on the notice board of the office of the Registrar and the society by the 23rd July, for inviting claims and objections.

5. Particulars to be included in provisional list of voters.—(1) The provisional list of voters, in the case of individual share-holders, shall contain the name, father's or husband's name, surname (if any), age, occupation and residence of every person entitled to be registered as a voter, with such other particulars as may be necessary to identify him.

(2) Where a society is a member of a specified society, the latter shall call for the names of the delegates authorised to vote on behalf of the affiliated society so as to reach it by the 2nd July and shall include in the list the names of such delegates as have been communicated to it before the date fixed for publication of the provisional list. In addition to the names of delegates, the list shall contain the names of the affiliated societies, their registration numbers, addresses and the names of constituencies, if any, to which they belong.

6. Claims and objections to provisional list of voters.—(1) When any provisional list of voters is published for inviting claims and objections, any omission or error in respect of the name or address or other particulars in the list may be brought to the notice of the Collector by any member of the society concerned who is a voter or any delegate authorised to vote on behalf of such society.

(2) Every person making a claim or raising an objection shall do so by a separate petition, which shall be presented to the Collector on or before the 31st July, during office-hours.

(3) Every claim or objection shall be preferred in writing and state the grounds on which the claim is based or the objection is raised, as the case may be.

(4) The Collector shall, after considering each claim or objection, give his decision thereon in writing to the person concerned before the 10th August and take steps to correct the provisional list wherever necessary. The list as finalised by the Collector after deciding all claims and objections shall be the final list of voters.

7. Final list of voters.—Copies of the final list of voters of every society shall be displayed on the notice board of offices of the Collector, the Registrar and the society.

8. Power to alter dates for list of voters.—Notwithstanding anything contained in the foregoing rules, the Collector may, in consultation with the Registrar by general or special order, in the case of all or any of the societies alter all or any of the dates prescribed therein and appoint such revised dates as he deems fit.

9. Appointment of Returning Officers.—The Collector shall whenever necessary appoint a Returning Officer for one or more constituencies of a society as provided in its bye-laws:

Provided that, in case where no other person is appointed as a Returning Officer, the Collector himself shall be deemed to be the Returning Officer and shall perform all the functions of a Returning Officer under these rules.

10. Appointment of Assistant Returning Officers.—(1) The Collector may also appoint one or more persons to be called the Assistant Returning Officer to assist the Returning Officer in the performance of his functions.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that, no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of the nominations, unless the Returning Officer is unavoidably prevented from performing the said function.

11. General duty of Returning Officer.—It shall be the general duty of Returning Officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided in the Act and the rules and bye-laws made thereunder.

12. Polling Stations.—The Returning Officer shall, if necessary, provide sufficient number of polling stations for any constituency for which election is to be held and shall, at least, seven days before the date of poll, publish, on the notice board of the society and in such other manner as he deems fit, a list showing the polling stations so provided and the polling areas for which they have respectively been provided.

13. Appointment of presiding officers and polling officers.—(1) The Returning Officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that, if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station, other than a person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election, to be the polling officer during absence of the former officer and inform the Returning Officer accordingly.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under the Act or any of the rules and bye-laws made thereunder.

(3) If the presiding officer, owing to illness or other unavoidable cause, absents himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the presiding officer, to perform such functions during any absence.

14. *General duty of presiding officer and polling officer.* — (1) It shall be the general duty of the presiding officer at a polling station to keep order there at and to see that the poll is fairly taken.

(2) It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions.

15. *Control.* — The Returning Officer, Assistant Returning Officers, Presiding officers, polling officers and other persons appointed for any of the purposes of these rules shall work under the general guidance, superintendence and control of the Collector.

16. *Appointment of dates etc. for various stages of an election.* — (1) (a) The Collector, in consultation with the Registrar, shall draw the schedule for elections, and by order in Form I appoint: —

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| (i) The last date for making nominations. | 15 days from the date of order of the Collector. |
| (ii) The date of publication of nominations received. | As and when received till the last date fixed for making nominations. |
| (iii) Date of scrutiny of nominations. | Not later than 2 days after the last date for making nominations. |
| (iv) Date of publication of the list of valid nominations. | Not later than 2 days after the scrutiny. |
| (v) Date by which nomination may be withdrawn. | Within 7 days from the date of publication of the list of valid nominations. |
| (vi) Date of publication of final list of contesting candidates. | The day next succeeding the last date fixed for withdrawal of nominations. |
| (vii) Date on which and the time during which poll shall be taken. | 15 days from the date of publication of the final list of contesting candidates. |
| (viii) Date and the time and place for counting of votes. | The date succeeding the date on which the poll is taken. |
| (ix) Date of declaration of the results of voting. | Immediately after counting of votes. |

Explanation. — (1) (a) If the last date in reckoning dates as specified in the above cases is a public holiday, the next succeeding working day shall be fixed for the respective events.

(b) There shall be at least one polling station for every 1,000 voters or more and the number and places of the polling stations shall be fixed in consultation

with the societies concerned. In case the polling stations are spread over either in the district or the town, the Collector shall make arrangements to get all the ballot boxes to the office of the Returning Officer or to the registered office of the society, as he deems fit. The date on which the ballot boxes should be so brought shall also be mentioned in the order in Form I:

Provided that, the Collector may at his discretion specify the number of polling stations for a lesser number of voters with due regard to the convenience of the voters.

(c) Except with the previous approval of the Registrar, the dates fixed under this rule shall not be changed within seven days of the date fixed for the poll:

Provided that, if the Collector is of opinion that it is necessary in the public interest to modify the order and there is no sufficient time for obtaining the previous approval of the Registrar to such modifications, the Collector may, for reasons to be recorded in writing, modify the order without the previous approval of the Registrar. In every such case, the Collector shall forthwith send a copy of the modified order along with the reasons recorded by him for such modification to the Registrar.

(2) Nothing contained in this rule shall apply when a fresh poll is taken under rule 52.

17. *Manner of publication of order under rule 16.* — The Collector shall send a copy of the order made under rule 16, not later than 25 days before the date fixed for the poll, to the society either personally or through post under certificate of posting addressed to the society at its registered place of address, and in addition, the said order —

(a) shall be posted on the notice boards of the offices of the Collector, the Returning Officer, the Registrar and the society, and

(b) shall be published at least in one daily newspaper circulating in the area of operation, of the society.

18. *Nomination of candidates.* — (1) Any person may be nominated as a candidate for election to fill a seat, if he is qualified to be chosen to fill that seat under the provisions of the Act, rules and bye-laws and his name is entered in the list of voters.

(2) Every nomination paper presented under rule 19 shall be completed in Form II:

Provided that, a failure to complete, or a defect in completing, the declaration as to symbols in a nomination paper shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 23.

(3) Notwithstanding anything contained in sub-rule (2), where any societies from a constituency wish to propose any candidate, the name of the person to be nominated as a candidate by them shall be proposed by a member society after its committee has passed the necessary resolution and shall be seconded by another member society after its committee has passed the necessary resolution. The nomination papers shall be signed on behalf of such society as proposer and seconder and certified copies

of the resolutions shall be attached to the nomination paper:

Provided that, where the constituency consists of three or less society/members, the name of the person to be nominated as a candidate may be proposed by a member society as above, but need not be seconded by another member society.

(4) A nomination paper shall be supplied by the Returning Officer to any voter on demand.

19. Presentation of nomination paper and requirements for valid nominations.— (1) On or before the date appointed under sub-rule (1) of rule 16, each candidate shall either in person or by his proposer deliver to the Returning Officer during the time and at the place specified in the order made under the said rule, a nomination paper completed as provided by rule 18 and signed by the candidate and by a voter of his constituency as proposer.

(2) Any person who is not subject to any disqualification as a voter under the Act, rules or bye-laws and whose name is entered in the list of voters for the constituency for which the candidate is nominated, may subscribe as proposer.

(3) In the case of a reserved seat under the provisions of Section 73-B, a candidate shall not be deemed to be qualified to be chosen to fill that seat, unless his nomination paper contains a declaration by him specifying the particular scheduled caste, scheduled tribe of which he is a member or the details of the loan taken by him during the year immediately preceding, in the case of members of weaker section.

(4) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and the numbers of the candidates and his proposer as entered in the nomination paper are the same as those entered in the list of voters referred to in rule 7. If a nomination paper is rejected under this sub-rule, the Returning Officer shall record thereon his reasons for rejecting the same, and in that case, the candidate may deliver a fresh nomination paper subject, however, to other provisions of this rule:

Provided that, the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said names and numbers to be corrected in order to bring them into conformity with the corresponding entries in the list of voters, and where necessary, any clerical or printing error in the said entries shall be over-looked.

20. Symbols for elections.— (1) The Returning Officer shall specify the symbols that may be chosen by the candidates at the election from among those specified by him, but he shall not allot any symbols which are associated with political parties.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declarations as to symbols made in the nomination paper first delivered, and no other declarations as to symbols, shall be taken into consideration under rule 26 even if that nomination paper has been rejected.

21. Deposits.— A candidate shall not be deemed to be duly nominated for election from a consti-

tuency unless he deposits or causes to be deposited with the Returning Officer a sum of rupees twenty five in cash and where the candidate is a member of scheduled castes or scheduled tribes or belongs to weaker section a sum of rupees five:

Provided that, where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this rule.

22. Notice of nomination and time and place for the scrutiny.— The Returning Officer shall on receiving the nomination paper under rule 19 inform the person or persons delivering the same, of the day, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall as soon as may be thereafter affix in some conspicuous place in his office, a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer.

23. Scrutiny of nomination papers.— (1) On the date fixed for the scrutiny of nomination papers under rule 16, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at the time and place appointed in this behalf under rule 16, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered under rule 19.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry if any, as he thinks necessary, reject any nomination on any of the following grounds, that is to say:—

(a) that the candidate is disqualified for being chosen to fill the Seat by or under the Act;

(b) that the proposer is disqualified from subscribing a nomination paper;

(c) that there has been a failure to comply with any of the provisions of rule 19 or 21;

(d) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (c) or (d) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper; if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under rule 16 and shall not allow any adjournment of the proceedings, except when such proceedings are inter-

rupted or obstructed by riot or open violence or by causes beyond his control:

Provided that, in case any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule, the production of a certified copy of an entry made in the voters' list of the relevant constituency shall be conclusive evidence of the right of any voter named in that entry to stand for election, unless it is proved that the candidate is disqualified.

24. Publication of list of valid nominations.— Immediately after all the nomination papers have been scrutinised and decision accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of candidates whose nominations have been accepted. Immediately after the scrutiny is over, the Returning Officer shall affix the list on his notice board and shall record the date on which, and the time at which, the list was so affixed.

25. Withdrawal of candidature.— (1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered to the Returning Officer.

(2) The notice shall be delivered to the Returning Officer before 3.00 o'clock in the afternoon on the last date fixed under rule 16 for withdrawal of nominations.

(3) The notice may be given either by the candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by the candidate.

(4) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to withdraw the notice.

(5) The Returning Officer shall, on being satisfied as to the genuineness of a notice of withdrawal and the identity of person delivering it under sub-rule (1), cause a notice to be affixed on the notice board in his office.

26. Preparation of list of contesting candidates.—

(1) On the day next succeeding the last date fixed under rule 16 for withdrawal of nominations, the Returning Officer shall prepare and publish in Form III a list of contesting candidates, that is to say, candidates whose nomination papers have been finally accepted and who have not withdrawn their candidature within the prescribed period.

(2) The said list shall, subject to the provisions of sub-rule (4), contain the names in alphabetical order in the language in which the list of voters is prepared and the addresses of the contesting candidates as given in the nomination papers.

(3) The list of contesting candidates referred to in sub-rule (1) shall contain the particulars set out in Form III.

(4) The alphabetical order referred to in sub-rule (2) shall be determined with reference to the surnames of the candidates having surnames, and the names proper, of other candidates.

(5) Where a poll becomes necessary, the Returning Officer shall consider the choice of symbols expressed by the contesting candidates in their nomination papers and shall—

(a) allot a different symbol to each contesting candidate in conformity, as far as practicable, with his choice, and

(b) if more contesting candidates than one have indicated their preference for the same symbol, decide by lot to which of such candidates the symbol will be allotted.

(6) The allotment by the Returning Officer of any symbol to a candidate shall be final.

(7) Every candidate shall forthwith be informed of the symbol allotted to him and be supplied with a specimen thereof by the Returning Officer.

27. Publication of list of contesting candidates.— The Returning Officer shall, immediately after its preparation cause a copy of the list of contesting candidates to be affixed on the notice board in his office and shall also supply a copy thereof to each of the contesting candidates, and, on demand to his election agent.

28. Appointment of election agent and revocation of such appointment.— (1) If a candidate desires to appoint any person to be his election agent, such appointment shall, subject to the provisions of sub-rule (3), be made by him in Form IV. The candidate shall give notice of such appointment to the Returning Officer by delivering or forwarding the letter or appointment to the Returning Officer at the time of presentation of the nomination paper or at any time thereafter before the account of the candidate's election expenses is lodged. The candidates shall also deliver a duplicate copy of the letter of appointment to the election agent appointed by him.

(2) The appointment of the election agent may be revoked by the candidate at any time by a declaration in writing signed by him and lodged with the Returning Officer. Such revocation shall take effect from the date on which it is so lodged. In the event of such a revocation or of the death of an election agent, whether that event occurs before or during the election, or after the election but before the account of the candidate's election expenses has been lodged with the Returning Officer in accordance with the provisions of section 144-F, the candidate may appoint another person to be his election agent, and notice thereof shall be given to the Returning Officer, in the same manner as in the case of the first election agent.

(3) No person, who is subject to any disqualification as a voter under the Act, rules or bye-laws, so long as the disqualification subsists, or whose name is not entered in the list of voters for the constituency for which the candidate is nominated, shall be appointed as an election agent.

29. Appointment of Polling Agents and Counting Agents.— (1) At an election at which a poll is to be taken, any contesting candidate may appoint one

agent and two relief agents to act as Polling Agents of such candidates at each polling station. Such appointment shall be made by a letter in writing in Form V signed by the candidate.

(2) The candidate shall deliver the letter of appointment to the Polling Agent who shall, on the date fixed for the poll present it to, and sign the declaration contained therein, before the Presiding Officer. The Presiding Officer shall retain the letter presented to him in his custody. No Polling Agent shall be allowed to perform any duty at the polling station unless he has complied with the provisions of this rule.

(3) The Polling Agents may work as Counting Agents as per the authority given by the candidate on Form V.

(4) Each contesting candidate may appoint not more than four agents to act as Counting Agents of such candidate by a letter in writing in duplicate in Form V signed by the candidate. Before the commencement of the counting of votes, the candidate shall give notice of the appointment of such counting agents to the Returning Officer by forwarding to such officer the letter of appointment. The candidate shall also deliver the duplicate copy of the letter of appointment to the counting agent who shall on the date fixed for the counting of votes, present it to, and sign the declaration contained therein before the Returning Officer. The Returning Officer shall retain the duplicate copy presented to him in his custody. No Counting Agent shall be allowed to perform any duty at the place fixed for the counting of votes, unless he has complied with these provisions.

30. Death of candidate before poll. — If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and (where the Returning Officer is not the Collector himself, report the fact to the Collector) all proceedings with reference to the election shall be commenced anew in all respect as if for a new election:

Provided that, —

(a) no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll, and

(b) no person who has been given a notice of withdrawal of his candidature, under rule 25, before the countermanding of the poll, shall be ineligible for being nominated as a candidate for the election after such countermanding.

31. Uncontested elections. — If, after the expiry of the period within which candidatures may be withdrawn under sub-rule (2) of rule 25 the number of candidates in the constituency whose nominations have been accepted is equal to or less than the number of seats to be filled, the Returning Officer shall forthwith declare such candidate or all such candidates to be duly elected, to fill the seat or the relevant number of seats, as the case may be; and shall complete and certify the declaration in Form VI, and where the Returning Officer is not the Collector himself he shall send signed copies thereof to the Collector.

32. Manner of voting at elections. — At every election where a poll is taken, votes shall be given by secret ballot in the manner hereinafter provided and no votes shall be received by proxy.

33. Ballot Box. — Every box shall be of such design as may be approved by the Collector.

34. Form of Ballot papers. — (1) Every ballot paper shall be in Form VII.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

35. Arrangement at polling stations. — (1) Outside each polling station, there shall be displayed prominently: —

(a) a notice, specifying the polling area, the voters of which are entitled to vote at the polling station and, where the polling station has more than one polling booth, at each of such booth, the description of the voters allotted to such booths, and

(b) a copy of the list of contesting candidates.

(2) At each polling station, there shall be set up one or more voting compartments in which voters can record their votes screened from observation.

(3) The Returning Officer shall provide at each polling station a sufficient number of ballot boxes, ballot papers, copies of the list of voters in respect of the polling area or areas the voters of which are entitled to vote at such polling station, instruments for stamping the distinguishing mark on ballot papers and articles necessary for voters to mark the ballot papers. The Returning Officer shall also provide at each polling station such other equipment and accessories as may be required for taking the poll at such polling station.

36. Admission to polling station. — The Presiding Officer shall regulate the number of voters to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than —

(a) Polling Officers,

(b) public servants on duty in connection with the election,

(c) persons authorised by the Collector or the Returning Officer,

(d) candidates, their election agents, and subject to the provisions of Rule 29, one Polling Agent of each candidate,

(e) a child in arms accompanying a voter,

(f) a person accompanying a blind or infirm voter who cannot move without help,

(g) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of identifying the voter.

37. The preparation of ballot boxes for poll. — (1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature

on the paper seal and obtain thereon the signatures of such of the Polling Agents present as are desirous of affixing the same.

(2) The Presiding Officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.

(3) The seals used for securing a ballot box shall be affixed in such manner that after the box have been closed, it is not possible to open it without breaking the seals.

(4) Where it is not necessary to use paper seals for securing the ballot box, the Presiding Officer shall secure and seal the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the Polling Agents present to affix, if they so desire, their seals.

(5) Every ballot box used at a polling station shall bear the seal both inside and outside marked with, —

(a) the serial number, if any, and the name of the constituency;

(b) the serial number and name of polling station;

(c) the serial number of the ballot box to be filled in at the end of the poll on the label outside the ballot box only; and

(d) the date of poll.

(6) Immediately before the commencement of the poll, the Presiding Officers shall demonstrate to the Polling Agents and other persons present that the ballot box is empty and bears the labels referred to in sub-rule (5).

(7) The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and the Polling Agents.

38. Identification of voters. — (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the voters or to assist him otherwise, in taking a poll.

(2) As each voter enters the polling station, the Presiding Officer or the Polling Officer authorised by him in this behalf, shall check the voter's name and other particulars with the relevant entry with the list of voters and then call out the serial number, name and other particulars of the voter.

(3) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the list of voters, if he is satisfied that such person is identical with the voter to whom such entry relates.

39. Challenging of identity. — (1) Any Polling Agent may challenge the identity of a person claiming to be particular voter by first depositing a sum of Rs. 2 in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall —

(a) warn the person challenged of the penalty for personation,

(b) read the relevant entry in the list of voters in full and ask him whether he is the person referred to in that entry,

(c) enter his name and address in the list of challenged voters in form VIII, and

(d) require him to affix his signature in the said list.

(3) The Presiding Officer shall thereafter, hold a summary inquiry into the challenge and may for that purpose: —

(a) require challenger to adduce evidence in proof of challenge and the person challenged to adduce evidence in proof of his identity.

(b) put to the person challenged any questions necessary for the purpose of establishing his identity and require him to answer them on oath, and

(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote, and if he considers that the challenge has been established he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that deposit made under sub-rule (1) be forfeited to the Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

40. Safeguard against personations. — (1) With a view to preventing personations of voters, every voter about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left thumb to be inspected by the Presiding Officer or the Polling Officer and an indelible ink mark to be put on it.

(2) If any voter refuses to allow his left thumb to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left thumb or does any act with a view to removing the ink mark, he shall not be supplied with any ballot paper or allowed to vote.

(3) Any reference in this rule to the left thumb of a voter shall, in the case where the voter has his left thumb missing, be construed as a reference to any other finger, of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the thumb or any other finger of his right hand, and shall, in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

41. Issue of ballot papers. — (1) No ballot paper shall be issued to any voter before the hour fixed for the commencement of the poll.

(2) No ballot paper shall be issued to any voter after the hour fixed for the closing of the poll except to those voters who are present at the polling station at the time of the closing of the poll. Such voters shall be allowed to record their votes even after the poll closes.

(3) Every ballot paper shall before issue to a voter be —

(a) stamped with such distinguishing mark as the Collector may direct; and

(b) signed in full on its back by the Presiding Officer.

(4) At the time of issuing a ballot paper to a voter, the Polling Officer shall record the serial number thereof against the entry relating to the voter in the copy of the List of voters set apart for the purpose.

(5) Save as provided in sub-rule (4), no person in the polling station shall note down the serial numbers of the ballot papers issued to particular voters.

42. *Voting procedure.* — (1) The voter, on receiving the ballot paper, shall forthwith —

(i) proceed to one of the polling compartments;

(ii) there make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(iii) fold the ballot paper so as to conceal his vote;

(iv) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(v) insert the folded ballot paper into the ballot box; and

(vi) quit the polling station.

(2) No voter shall be allowed to enter a polling compartment when another voter is inside it.

43. *Procedure for voting where there are no separate constituencies or more than one seat to be filled in one constituency.* — In cases where there are no constituencies defined in the bye-laws or where more than one seat is authorised in the bye-laws for a constituency, voting in so far as these seats are concerned shall be recorded in accordance with the following provisions, namely: —

(a) Every voter shall be entitled to give as many votes as there are seats for filling but no voter shall give more than one vote to any one candidate.

(b) The voter shall make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol or symbols of the candidate or candidates for whom he intends to vote, so however that no part of any mark so made shall appear in the space provided for other candidate. The voter shall thereafter fold the marked ballot paper so as to conceal his vote and insert the folded ballot paper into the ballot box and without undue delay leave the polling station.

44. *Recording of vote of blind or infirm voter.* —

(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the voter to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accord-

ance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that, no person shall be permitted to act as the companion of more than one voter at any polling station on the same day:

Provided further that, before any person is permitted to act as the companion of a voter on any day under this rule, he shall be required to declare in Form IX that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form X of all cases under this rule.

45. *Spoilt and returned ballot papers.* — (1) A voter who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt-cancelled" by the Presiding Officer.

(2) If a voter after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned shall be marked as "Returned-cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

46. *Tendered votes.* — (1) If a person representing himself to be a particular voter applies for a ballot paper after another person has already voted as such voter, he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule to mark a ballot paper (hereinafter referred to as a "tendered ballot paper") in the same manner as any other voter.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form XI.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the Polling Station, except that it shall be —

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The voter, after marking a tendered ballot paper in the polling compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding Officer, who shall place it in a cover specially kept for the purpose.

47. *Closing of poll.* — (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 16 and shall not thereafter admit any voter into the polling station:

Provided that, all voters present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether a voter was present at the polling station before it was closed, it shall be decided by the Presiding Officer and his judgement shall be final.

48. *Sealing of ballot boxes after poll.* — (1) As soon as practicable after the closing of the poll, the Presiding Officer shall, in the presence of any candidates or their election or Polling Agents, close the slit of the ballot box and where the ballot box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any Polling Agent to affix his seal.

(2) The ballot box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.

49. *Account of ballot papers.* — (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form XII and enclose it in a separate cover with the word "Ballot Papers Account" superscribed thereon.

(2) The Presiding Officer shall permit a Polling Agent who so desires to take a true copy of the entries made in the ballot paper account and shall attest it as true copy.

50. *Sealing of other packets.* — (1) The Presiding Officer shall then make into separate packets: —

- (a) the marked copy of the list of voters;
- (b) the unused ballot papers;
- (c) the cancelled ballot papers;
- (d) the cover containing the tendered ballot papers and the list of the tendered ballot papers;
- (e) the list of challenged votes; and
- (f) any other papers directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and those Polling Agents present who may desire to affix their seals thereon.

51. *Transmission of ballot boxes, packets, etc. to the Returning Officer.* — (1) The Presiding Officer shall then deliver or cause to be delivered the following to the Returning Officer at such place as the Returning Officer may direct: —

- (a) the ballot boxes;
- (b) the ballot paper account;
- (c) the sealed packets, referred to in rule 50; and
- (d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of the counting of votes.

52. *Fresh poll in case of destruction, etc. of ballot boxes.* — (1) If at any election —

- (a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presid-

ing Officer or the Returning Officer or is accidentally or intentionally destroyed or lost; or is damaged or tampered with, to such an extent, that the result of the poll at that polling station cannot be ascertained or

(b) any such error or irregularity in the procedure as is likely to vitiate the poll is committed at a polling station,

the Returning Officer (where the Collector himself is not the Returning Officer) shall forthwith report the matter to the Collector.

(2) The Collector upon receipt of such report, or of his own motion in the circumstances stated in sub-rule (1), after taking all material circumstances into account either —

(a) declare the poll at that polling station to be void, appoint a day, and fix the hours, for taking a fresh poll at that polling station and notify the day so appointed and the hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer or take such action as he may deem proper for the election.

(3) The provisions of the Act and of any rules or bye-laws made thereunder shall apply to every such fresh poll as they apply to the original poll.

53. *Counting of votes.* — At every election where a poll is taken, votes shall be counted by, or under the supervision and direction of, the Returning Officer, and each contesting candidate, his Election Agent and his Counting Agents shall have a right to be present at the time of counting.

54. *Admission to the place fixed for counting.* — (1) The Returning Officer shall exclude from the place fixed for counting of votes all persons except: —

- (a) such persons as he may appoint to assist him in the counting;
- (b) persons authorised by the Collector;
- (c) public servants on duty in connection with the Election; and
- (d) candidates, and their Election and Counting Agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which Counting Agent or Agents shall watch the counting at any particular counting table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any Police Officer on duty or by any person authorised in this behalf by the Returning Officer.

55. Scrutiny and opening of ballot boxes. —

(1) The Returning Officer may have the ballot boxes used at more than one polling station opened and their contents counted simultaneously.

(2) Before any ballot box is opened at a counting table the Counting Agents present at that table shall be allowed to inspect the paper seal or such other seal as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 52 in respect of that polling station.

56. Scrutiny and rejection of ballot papers. — (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinised.

(2) The Returning Officer shall reject a ballot paper —

(a) if it bears any mark or writing by which the voter can be identified; or

(b) if no vote is recorded thereon, or

(c) if votes are given on it in favour of more than one candidate where only one candidate is to be elected; or

(d) where more than one candidate is to be elected, if the voter has recorded on the ballot paper more votes than he is entitled to give, or

(e) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given; or

(f) if it is a spurious ballot paper; or

(g) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or

(h) if it bears a serial number, or is of a design, different from the serial numbers, or, as the case may be, design of the ballot papers authorised for use at the polling station; or

(j) if it does not bear the mark which it should have borne under the provisions of sub-rule (3) of rule 41:

Provided that —

(i) where a Returning Officer is satisfied that any such defect as is mentioned in clause (h) or (j) has been caused by any mistake or failure on the part of the Presiding Officer or the Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect;

(ii) a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2) the Returning Officer shall allow each Counting Agent present a reasonable opportunity to inspect the ballot paper.

(4) The Returning Officer shall record on every ballot paper which he rejects the letter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

57. Procedure for Counting of votes. — (1) Every ballot paper which is not rejected under rule 56 shall be counted as one valid vote:

Provided that, no cover containing tendered ballot papers shall be opened and no such paper shall be counted.

(2) After the counting of all ballot papers contained in all the ballot boxes used at a polling station has been completed, the Returning Officer shall make the entries in a result sheet in Form XIII and announce the particulars.

(3) The valid ballot papers shall thereafter be bundled together and kept along with the bundle of rejected ballot papers in a separate packet, which shall be sealed and on which shall be recorded the following particulars, namely: —

(a) the name of the constituency,

(b) the particulars of the polling station where the ballot papers have been used, and

(c) the date of counting.

58. Counting to be continuous. — The Returning Officer shall, as far as practicable, proceed continuously with the counting of votes and shall, during any intervals when the counting has to be suspended, keep the ballot papers, packets and other papers relating to the election sealed with his own seal and the seals of such candidates or Election or Counting Agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody during such intervals.

59. Procedure for Counting of votes where there are no separate constituencies or more than one seat to be filled in one constituency. — In cases where there are no constituencies defined in the bye-laws or where more than one seat is authorised in the bye-laws for a constituency, counting of votes for these seats shall be done in the following manner, namely: —

(1) The counting of votes shall be done by and under the supervision of the Returning Officer, with the assistance of such persons as he may appoint to assist in the counting of votes.

(2) After each ballot box is opened for counting, clearly valid voting papers shall be separated from invalid and doubtful voting papers. The invalid and doubtful voting papers shall be submitted to the Returning Officer for decision. The valid voting papers shall thereafter be taken for counting and the votes recorded in favour of each candidate shall be counted with the aid of persons appointed to assist in the counting of votes.

(3) The Returning Officer shall allow the candidates and their Election or Counting Agents, who may be present, reasonable opportunity to inspect all voting papers, which in the opinion of the Returning Officer are liable to be rejected, but shall not allow them to handle those or any other voting

papers. The Returning Officer shall on every voting paper which is rejected, endorse the letter "R". If any candidate or his Election or Counting Agent questions the correctness of the rejection of any voting paper, the Returning Officer, shall also record briefly on such voting paper the ground for its rejection.

(4) After the counting of all voting papers contained in all the ballot boxes used has been completed, the Returning Officer shall cause to be sealed up in separate packets with a description endorsed on each such packet of the voting papers counted and voting papers rejected.

(5) The Returning Officer shall as far as practicable proceed continuously with the counting of the votes and shall during any intervals when the counting has to be suspended, keep the voting papers, packets, and other documents relating to the election sealed with his own seal and the seal of such candidates or Election or Counting Agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

(6) After the counting of voting papers contained in all the ballot boxes used at all the polling stations has been completed, the Returning Officer shall prepare a consolidated statement recording therein the total number of votes polled by each candidate.

60. Recommencing of counting after fresh poll. —

(1) If a fresh poll is held under rule 52, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has been previously given to the candidates.

(2) The provisions of rules 56 and 57 shall apply so far as may be to such further counting.

61. Recount of votes. — (1) After the completion of the counting, the Returning Officer shall record in the result sheet in Form XIII, the total number of votes polled by each candidate and announce the same:

Provided that, when an equality of votes is found to exist between any candidates either for the reserved or the unreserved seats and the addition of one vote will entitle any of candidates to be declared elected, the determination of the person or persons to whom such an additional vote shall be deemed to have been given shall be made by lots to be drawn in the presence of the Returning Officer and the candidates who may desire to be present, and in such manner as the Returning Officer may determine.

(2) After such announcement has been made, a candidate or, in his absence, his Election Agent may apply in writing to the Returning Officer for a recount of all or any of the ballot papers already counted stating the grounds on which he demands such recount.

(3) On such an application being made, the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officer under sub-rule (3), shall be in writing and contain the reasons therefor.

(5) If the Returning Officer decides under sub-rule (3) to allow an application either in whole or in part, he shall

(a) count the ballot papers again in accordance with his decision;

(b) amend the result sheet in Form XIII to the extent necessary after such recount; and

(c) announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form XIII and no application for a recount shall be entertained thereafter:

Provided that, no step under this sub-rule shall be taken on the completion of the counting until the candidates and Election Agents present at the completion thereof have been given a reasonable opportunity to exercise the right conferred by sub-rule (2)

62. Declaration of result. — The Returning Officer shall then declare the candidate to whom the highest number of votes has been given, as having been elected and certify the return of election in Form XIV and where the Collector himself is not the Returning Officer he shall send signed copies thereof to the Collector as soon as possible.

63. Account of election expenses. — (1) Every candidate at an election shall either by himself or by his Election Agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorised by him or by his Election Agent between the date of the order calling the election and the date of declaration of the result thereof, both dates inclusive.

(2) The account shall contain such particulars as are specified in rule 64.

(3) The total of the said expenditure shall not exceed such amount as may be notified by the State Government under sub-section (3) of section 144-F.

(4) Every contesting candidate at an election shall, lodge with the Collector, through the Returning Officer an account of his election expenses within the time and in the manner laid down in section 144-F.

64. Particulars of account of election expenses. —

(1) The account of election expenses to be kept by a candidate or his Election Agent under Rule 63 shall contain the following particulars in respect of each item of expenditure from day to day, namely: —

(a) the date on which the expenditure was incurred or authorised;

(b) the nature of the expenditure (as for example travelling, postage or printing and the like);

(c) the amount of the expenditure —

(i) the amount paid;

(ii) the amount outstanding;

(d) the date of payment;

(e) the name and address of the payee;

(f) the serial number of vouchers, in case of amount paid;

(g) the serial number of bills, if any, in case of amount outstanding;

(h) the name and address of the person to whom the amount outstanding is payable.

(3) All vouchers shall be lodged along with the account of election expenses, arranged according to the date of payment and serially numbered by the candidate or his Election Agent and such serial numbers shall be entered in the account under item (f) of sub-rule (1).

(4) It shall not be necessary to give the particulars mentioned in item (e) of sub-rule (1) in regard to items of expenditure for which vouchers have not been obtained.

65. Notice by Returning Officer for inspection of accounts.—The Returning Officer shall, within two days from the date on which the account of election expenses has been lodged by the candidate under rule 63, cause a notice to be affixed to his notice board, specifying—

(a) the date on which the account has been lodged;

(b) the name of the candidate; and

(c) the time and place at which such account can be inspected.

66. Inspection of accounts and obtaining of copies thereof.—Any person shall on payment of a fee of one rupee, be entitled to inspect any such account and on payment of such fees as may be fixed by the Collector in this behalf, be entitled to obtain attested copies of such account or of any part thereof.

67. Report by the Returning Officer as to the lodging of the account of election expenses and the decision of the Collector thereon.—(1) As soon as may be after the expiration of time specified in rule 63 for the lodging of the account of the election expenses at any election, the Returning Officer shall report to the Collector—

(a) the name of each contesting candidate;

(b) whether such candidate has lodged his account of election expenses and if so, the date on which such account has been lodged; and

(c) whether in his opinion such account has been lodged within the time and in the manner required by rule 63.

(2) Immediately after the submission of the report referred to in sub-rule (1) the Returning Officer shall publish a copy thereof by affixing the same to his notice board.

(3) As soon as may be after the receipt of the report referred to in sub-rule (1), the Collector shall consider the same and decide whether any contesting candidate has failed to lodge the account of election expenses within the time and in the manner required by rule 63.

(4) If the Collector is satisfied that a person—

(a) has failed to lodge an account of election expenses in respect of an election within the time and in the manner required by rule 63, and

(b) has no good reasons or justification for the failure, the Collector shall by an order made under section 144-G and published in the Official Gazette and in such other manner as he deems fit declare him disqualified, and any such person shall be dis-

qualified for a period of three years for being elected or for continuing as a member of such society. The Collector shall send a copy of such order to every contesting candidate at the election. But no such order shall be made by the Collector, until the person concerned has been given reasonable opportunity of showing cause why he should not be disqualified for the failure. Against every such order of disqualification, an appeal shall lie to the Administrative Tribunal, under Section 144-T. The disqualification shall take effect after expiration of two months from the date of the order, unless stayed or removed by the (Administrative Tribunal) in appeal.

68. Publication of names of members of Committee.

—(1) On receipt of the declaration under rule 31 or of the election returns under rule 62, the Collector shall publish the names of all elected committee members by causing a list of such names together with their permanent addresses and the names of constituencies from which they are elected, to be posted on the notice board or at any prominent place in his office.

(2) The Collector shall send a list of all the elected committee members to the society and to the Registrar.

69. Return or forfeiture of candidate's deposit.—

(1) The deposit made under rule 21 shall either be returned to the person making it or his legal representative or be forfeited to the Government in accordance with the provisions of this rule.

(2) Except in cases hereinafter mentioned in this rule, deposit shall be returned as soon as practicable after result of the election is declared.

(3) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.

(4) Subject to the provision of sub-rule (3), the deposit shall be forfeited to the Government, if at an election where a poll has been taken, the candidate is not elected and the number of valid votes polled by him does not exceed one-eighth of the total number of valid votes polled by all the candidates.

70. Custody of papers relating to elections.—The Returning Officer shall keep in custody the packets referred to in rule 50 and all other papers relating to the elections.

71. Production and inspection of election papers.—(1) While in the custody of the Returning Officer—

(a) the packets of unused ballot papers,

(b) the packets of used ballot papers whether valid, tendered or rejected;

(c) the packets of marked copies of the voters list, shall not be opened and their contents shall not be inspected by, or produced before, any person or authority, except under the order of the Administrative Tribunal or a Court or other competent authority.

(2) All other papers relating to the election shall be open to public inspection.

72. *Disposal of election papers.* — (1) The packets referred to in rule 71 shall be retained for period of one year and shall thereafter be destroyed subject to any direction to the contrary given by the Administrative Tribunal or a Court or other competent authority.

(2) All other papers relating to the election shall be retained until the termination of the next election for the constituency to which they related and shall thereafter be destroyed subject to any direction to the contrary given by the Administrative Tribunal or a Court or other competent authority.

73. *Casual vacancies how to be filled in.* — In the event of a vacancy occurring on account of death, resignation, disqualification or removal of a member of a society or through such a member becoming incapable of acting previous to the expiry of his term of office or otherwise, the Chairman of the Society shall forthwith communicate the occurrence to the Registrar and the vacancy shall be filled as soon as conveniently, by holding bye-election to fill the seat, and the provisions of these Rules shall thereon *mutatis mutandis* apply accordingly. The person so elected shall hold office so long only as the member of the committee in whose place he is elected would have held it, if the vacancy had not occurred:

Provided that, if the vacancy occurs, within six months, preceding the date on which the term of the committee expires, the vacancy shall not be filled.

74. *Election Petitions.* — No election shall be called in question, except by an election petition presented to the Administrative Tribunal in accordance with the provisions of section 144-T and these rules.

75. *Presentation of election petitions.* — (1) An election petition calling in question any election may be presented by any candidate or any voter within two months from the date of declaration of the result of the election.

(2) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and one spare copy for the use of the Administrative Tribunal and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

76. *Parties to petition.* — A petitioner shall join as respondents to his petition —

(a) where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidate is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner and where no such further declaration is claimed, all the returned candidates, and

(b) any other candidate against whom allegation of any corrupt practice are made in the petition.

77. *Trial of election petitions.* — (1) Every election petition shall be tried by the Administrative Tribunal.

Provided that, the Administrative Tribunal shall have the discretion to refuse for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The Administrative Tribunal may dismiss an election petition which does not comply with the provisions of rule 75.

(3) Any candidate not already a respondent shall, upon application made by him to the Administrative Tribunal within fourteen days from the date of the commencement of the trial and subject to the provision of rule 91, be entitled to be joined as a respondent.

(4) The Administrative Tribunal may, upon such terms as to costs and otherwise as he may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

78. *Expenses of witnesses.* — The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Administrative Tribunal to such person, and shall, unless the said Tribunal otherwise directs, be deemed to be part of the costs.

79. *Recrimination when seat claimed.* — (1) When in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition had been presented calling in question his election:

Provided that, the returned candidate or such other party as aforesaid shall not be entitled to give such evidence, unless he has, within fourteen days from the date of commencement of trial given notice to the Administrative Tribunal of his intention to do so and has also given the security and the further security referred to in rules 89 and 90 respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and all necessary particulars and shall be signed and verified in like manner.

80. *Order of Administrative Tribunal.* — At the conclusion of the trial of an election petition, the Administrative Tribunal shall make an order —

(a) dismissing the election petition; or

(b) declaring the election of all or any of the returned candidates to be void; or

(c) declaring the election of all or any of the returned candidates to be void, and the petitioner or any other candidate to have been duly elected.

81. *Other orders to be made by the Administrative Tribunal.* — At the time of making an order under

rule 80, Administrative Tribunal shall also make an order —

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording —

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of the practice, and

(b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid:

Provided that, a person who is not a party to the petition shall not be named in the order under sub-item (ii) of item (a) unless —

(a) he has been given notice to appear before the Administrative Tribunal and to show cause why he should not be so named; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Administrative Tribunal and has given evidence against him of calling evidence in his defence and of being heard.

82. *Grounds for declaring election to be void.* — If the Administrative Tribunal is of opinion —

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under these rules, or

(b) that any corrupt practice had been committed by a returned candidate or his Election Agent or by any other person with the consent of a returned candidate or his Election Agent, or

(c) that any nomination paper has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected —

(i) by the improper acceptance of any nomination, or

(ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his Election Agent, or

(iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

(iv) by any non-compliance with the provisions of the Act or any rules made thereunder, the Administrative Tribunal shall declare the election of the returned candidate to be void.

83. *Grounds for which a candidate other than returned candidate may be declared to have been elected.* — If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate claimed a declaration that he himself or any other candidate has been duly elected and the Administrative Tribunal is of opinion —

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes;

the Administrative Tribunal shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

84. *Procedure in case of an equality of votes.* — If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then —

(a) any decision made by the Returning Officer under the provisions of sub-rule (1) of rule 61, shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

(b) in so far as that question is not determined by such a decision, the Administrative Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

85. *Effect of orders of the Administrative Tribunal.* — (1) Every order of the Administrative Tribunal under rule 80 or 81 shall take effect as soon as it is pronounced by the said Tribunal.

(2) Where by an order under rule 80 the election of a returned candidate is declared to be void, acts and proceedings in which that returned candidate has, before the date thereof, participated as a member of the committee shall not be invalidated by reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.

86. *Withdrawal of election petitions.* — An election petition may be withdrawn only after notice to other parties and by leave of the Administrative Tribunal.

87. *Procedure for withdrawal of election petition.* — (1) If there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the Administrative Tribunal, such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted —

(a) the petitioner shall be ordered to pay the costs of the respondents therefor incurred or such portion thereof as the Administrative Tribunal may think fit;

(b) the Administrative Tribunal shall direct that the notice of withdrawal shall be published in such manner as it may specify and thereupon the notice shall be published accordingly;

(c) a person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner in place of the party withdrawing, and upon compliance with the condition of rule 89 as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Administrative Tribunal may think fit.

88. *Abatement of election petition.* — (1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under sub-rule (1), the Administrative Tribunal shall cause the fact to be published in such manner as it may think fit.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to the Administrative Tribunal to be substituted as petitioner and upon compliance with the condition of rule 89 as to security, shall be entitled to be so substituted to continue the proceedings upon such terms as the Administrative Tribunal may think fit.

89. *Security for costs.* — The petitioner shall enclose with the petition a Government Treasury receipt showing that a deposit of Rupees five hundred or such lesser amount as the Administrative Tribunal may direct has been made by him either in a Government Treasury or in the State Bank of India in favour of the Administrative Tribunal as security for the cost of the petition.

90. *Further security for costs.* — During the course of the trial of an election petition, the Administrative Tribunal may at any time call upon the petitioner to give such further security for costs as it may direct.

91. *Security for costs from a respondent.* — No person shall be entitled to be joined as a respondent under sub-rule (3) of rule 77, unless he has given such security for costs as the Administrative Tribunal may direct.

92. *Costs.* — Costs including pleaders' fees and the cost of Government shall be in the discretion of the Administrative Tribunal:

Provided that, where a petition is dismissed under clause (a) of rule 80, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the Administrative Tribunal shall make an order for costs in favour of the returned candidate.

93. *Cost of election petition.* — The cost of election petition filed under section 144-T shall be borne by the parties and shall not be recoverable or reimbursable from the funds of the society.

94. *Voting by postal ballot.* — Notwithstanding anything contained in these rules, where any constituency extends over more than one District, the Collector may, by order published in the Official Gazette, make provision for enabling all or any persons or class of persons ordinarily residing or having registered office outside his District to give their vote by postal ballot, and not in any other manner, at an election in that constituency where a poll is taken.

95. *Election of nominee under section 144-C.* — (1) The election of a nominee of a society as a member of the committee of any specified society under sub-section (2) of section 144-C shall be held in accordance with the provisions of this rule.

(2) Where a society has to send such a nominee, and the Collector has published his order made under rule 16 as required by clause (b) of rule 17, the committee of the society shall hold its meeting for the election of the nominee, within a period of fifteen

days from the date of publication of the election programme or within such extended period as the Collector may allow.

(3) The election shall be conducted in accordance with the provisions of the bye-laws of the society, under the control of the Collector or the Returning Officer appointed by him under rule 9.

FORM I

(See rule 16)

OFFICE OF THE COLLECTOR OF ...

No. In exercise of the powers conferred by rule 16 of the Goa, Daman and Diu Specified Co-operative Societies Elections to Committees Rules, 1977, I, ... the Collector of ... hereby notify that an election is to be held of ... member/ /members of the Committee of the Co-operative Society known as the ... Ltd. ... Taluka ... Division and appoint in relation to the election by the constituency or constituencies specified in column 1 of the schedule hereto (hereinafter referred to as "the respective constituency") —

(a) the dates specified in column 2 of the said Schedule against the respective constituency to be the last date and the time specified in column 2 against the respective constituency to be the time for making nominations in relation to the respective constituency;

and the place specified in column 2 against the respective constituency to be the place from which the nomination paper can be obtained.

(b) the dates and time specified in column 3 of the said Schedule against the respective constituency to be the date and time for the scrutiny of nominations in relation to the respective constituency;

(c) the places specified in column 4 of the said Schedule against the respective constituency to be the places for making nominations and for the scrutiny thereof;

(d) the place, time and date specified in column 5 of the said Schedule against the respective constituency to be the place, time and date of withdrawal of nominations in relation to the respective Constituency;

(e) the dates specified in column 6 of the said Schedule against the respective constituency to be the dates on which election of the member/members ... shall be held;

(f) the time specified in column 6 of the said Schedule against the respective constituency to be the time during which the poll shall be taken;

(g) the date and time specified in column 8 of the said Schedule against the respective constituency to be the date and time for the counting of votes;

(h) the place specified in column 9 of the said Schedule against the respective constituency to be the place for the counting of votes.

SCHEDULE

Name of constituency	Last dates and time for making nominations (place from which nomination papers are obtainable)	Dates and time for scrutiny of nominations	Place for making nominations and for scrutiny thereof	Date, time and place for withdrawal of nominations
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
etc.				

Dates, on which the poll, if required, shall be taken	Time during which poll shall be taken	Date and time for counting of votes	Place for counting of votes
6	7	8	9

Note: — The ballot boxes shall be brought to the office of the Returning Officer or the registered office of the Society on ...

Collector of ...
Place ...
Date ...

FORM II

[See rule 18(2)]

Form of nomination paper

(Election to the ... Co-operative Society Ltd. ... Taluka ... District).

(To be filled by the Proposer)

I hereby nominate ... as a candidate for election from the ... constituency.

Name of the Constituency

Name of the candidate

Father's/Husband's name

Age

Full postal address of the candidate

Name of the constituency

In a constituency having a reserved seat, state the particulars of the Caste or Tribe or Vimukta Jati or the Weaker section to which the candidate belongs.

The name of the constituency in which the name of the candidate is entered as a voter in the list of voters.

Serial number of the candidate in the list of voters of the constituency aforementioned in which his name is entered as a voter.

Name of the proposer.

Serial number of the proposer in the list of voters of the constituency.

Signature of the Proposer

Declaration by Candidate

I hereby signify my willingness to serve as a member of the Committee of the society if I am elected.

Signature of the Candidate

Date ...

*Further declaration to be made by a Scheduled Castes or a Scheduled Tribes or Vimukta Jatis candidate or Weaker Section Candidate...

I hereby declare that I am a member of the ... Caste Caste

Tribe which is a Scheduled Tribe in relation to the Union Jati Vimukta Jati

Territory of Goa, Daman and Diu or a weaker section, within the meaning of section 73-B having taken a loan of Rs. from the Society.

Signature of Candidate

Date 19

Declaration as to choice of symbol

I do hereby declare that the symbols which I have chosen for my election are shown below in the order of my preference —

(1)

(2)

(3)

Signature of Candidate

Serial No. of nomination paper ...

This nomination was delivered to me at my office at ... (hour) on ... (date) by the

* Candidate

* Proposer of the Candidate

Signature of the Returning Officer

Date ...

Decision of Returning Officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 23 of the Goa, Daman and Diu Specified Co-operative Society Elections to Committees' Rules 1977 and decide as follows: —

Signature of Returning Officer

Date ...

Receipt for Nomination Paper and notice of scrutiny

(To be handed over to the persons presenting the nomination paper).

Serial No. of Nomination Paper ...

The nomination paper of ... a candidate for election from the ..., constituency of ... Co-operative Society Ltd. ... Taluka ... District ... was delivered to me at my office at ... (hour) on ...

(date) by

*Candidate

*Proposer of the Candidate

All nomination papers will be taken up for scrutiny at ... (hour) on ... (date) at ...

Place

Date

Signature of Returning Officer

* Strike off if unnecessary.

Form III

(See rule 26)

List of contesting candidates

Election to the ... Co-operative Society Ltd. ... Taluka ... District ... from ... Constituency.

Sr. No.	Name of Candidate	Address of Candidate	Symbol allotted to the Candidate
1	2	3	4
1.			
2.			
3.			
4.			
etc.			

Place ...

Date ...

Signature of Returning Officer.

FORM IV
(See rule 28)

Appointment of election agent

Election to the ... Co-operative Society Ltd. ..., Taluka ...
District ... from ... Constituency.

To

The Returning Officer, ... I, ..., a candidate ... at the above
election do hereby give notice that I have appointed, ... of ...
as my election agent from this day at the said election.

Place ...

Date ...

Signature of Candidate.

I accept the above appointment.

Place ...

Date ...

Signature of Election agent.

FORM V
[See rule 29(1)]

Appointment of Polling/Counting Agent

Election to the ... Co-operative Society Ltd. ... Taluka ...
District ... from ... Constituency.

To

*The Returning Officer ... Constituency.

*The Presiding Officer ... Polling station.

I, ... *a candidate ... at the present election do hereby give
notice that I have appointed ... as a ... **Polling agent to
attend ... Polling Station/Polling booth No. ... of ... Polling
Station.

**Counting agent to attend at the place fixed for the coun-
ting votes.

Signature of Candidate.

Date ...

I agree to act as such *Polling Agent
*Counting Agent.

Date ...

Signature of *Polling Agent.
*Counting

Declaration of *Polling Agent to be signed before the
*Counting

*Returning Officer.
*Presiding

I hereby declare that I will not at this election for ... cons-
tituency do anything forbidden by the Act or rules or bye-
laws thereunder.

Date ... *Polling
Signature of *Counting Agent.

Date ... Signed before me.
*Returning Officer
*Presiding Officer,

* Only the appropriate alternative should be used.

FORM VI
(See rule 31)

Form of declaration of result of uncontested election

... Co-operative Society Ltd. ... Taluka ... District ... Elec-
tion for ... Constituency ...

197 ..

In pursuance of the provisions contained in Rule 31 of the
Goa, Daman and Diu Specified Co-operative Societies Elec-
tions to Committees Rules, 1977.

that
"I declare _____
that the candidates (name) ...

of _____ (address) has been duly elected

(name and addresses) have been declared duly elected
to fill the seat in the above constituency.

to fill (number) seats in the above constituency.

Place ...

Date ...

Signature of Returning Officer.

Note: — Only the appropriate alternative should be used.

FORM VII
(See rule 34)

Form of Ballot Paper

... Co-operative Society Ltd. ... Taluka ... District ... Elec-
tion for ... Constituency.

197 ..

Name of Candidate	Symbol assigned
1	2
...	...
...	...
...	...
...	...

Note: — Serial number of each ballot paper shall appear at the
top on the front side.

FORM VIII
[See rule 39(2)(1)]

List of challenged votes

Election to the ... Co-operative Society Ltd. ... Taluka ...
District ...

Constituency ...
Polling Station ...
No. of Polling Station, if any ...

Sr. No. of entry	Name of the voter	Serial No. in list of voters	Signature or thumb impression of the voter and his address	Name of identifier, if any
1	2	3	4	5

Name of person challenging	Amount of deposit made	Order of Presiding Officer in each case	Signature of Challenger acknowled- ing receipt of deposit when deposit returned
6	7	8	9

Date ...

Signature of the Presiding Officer.

